

DRAFT HEARING PROCEDURE

**Cleanup and Abatement Order and Monitoring and Reporting Program
For
Frank Guinta, Shari Guinta, and James and Marilyn Ramsey (collectively
Dischargers)
Frank's One Stop
Manteca, San Joaquin County**

This is the time and place for a public hearing to receive relevant evidence and testimony regarding the proposed Cleanup and Abatement Order (CAO) and Monitoring and Reporting Program (MRP). At the hearing, the Regional Board will consider whether to adopt the proposed CAO and MRP, modify them or reject them.

This hearing will be conducted in accordance with the Meeting Procedures published with the meeting agenda and with the applicable Notice of Public Hearing.

The Regional Board will be advised by Pamela Creedon, Executive Officer of the Regional Board, Lori Okun, attorney with the State Board's Office of Chief Counsel, and Antonia Vorster, Supervising WRC Engineer of the Regional Board. The Regional Board's Prosecution Team is comprised of Jack Del Conte, Assistant Executive Officer, Ken Landau, Assistant Executive Officer, Brian Newman, Supervising WRC Engineer, James Munch, Sr. WRC Engineer, and James Barton, Engineering Geologist. David Boyers, attorney with the State Board's Office of Enforcement, will represent the Prosecution Staff at the Regional Board hearing.

HEARING PROCEDURE

The Board Members, the EO, Lori Okun, and Antonia Vorster have not engaged in any substantive conversations regarding the issues involved in this proceeding with the Prosecution Team or its representatives. Pamela Creedon conducts general oversight over the staff's enforcement activities, but has not exercised any authority or discretion over the Prosecution Team with respect to this matter. The Prosecution Team is considered a party for the purposes of this proceeding.

At this time evidence should be introduced on the following issue:

- 1. Whether the Board should adopt the CAO and MRP.**

All persons expecting to testify, please stand at this time, raise your right hand and take the following oath:

**"Do you swear the testimony you are about to give is the truth?"
If so, answer "I do."**

Designated parties are as follows:

- Regional Board Prosecution staff**
- Dischargers**
- Residential Well Owners/Users**

The Designated Parties are subject to cross-examination.

HEARING PROCEDURE

The Regional Board staff will be allowed a total of 30 minutes and each Discharger will be allowed 10 minutes each during this hearing for direct testimony, rebuttal testimony, cross-examination of other designated parties, and any other presentation to the Board. The Parties may use their time as they choose. The Chair may modify these procedures and time allocations as needed and upon request. The timer will be adjusted to show the time remaining for the party speaking. At the discretion of the Chair, the timer may be stopped for procedural discussions, questions from Board members, or other causes.

All other parties (Well owners, Tenants and others) shall limit their testimony to three (3) minutes each.

A timer will be used.

The order of this hearing is as follows:

- 1. Testimony by Regional Board staff followed by cross-examination of Regional Board staff**
- 2. Testimony by Dischargers, followed by cross-examination of Dischargers**
- 3. Comments by other Designated Parties and interested persons**
- 4. Rebuttal Testimony and Closing Statement by Dischargers**
- 5. Rebuttal Testimony and Closing Statement by Regional Board Prosecution staff**

Please state your name, address, affiliation, and whether you have taken the oath before testifying.

HEARING PROCEDURE

We will begin with testimony by staff.

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[This ends your recitation of the procedure]

Order of Hearing:

- 1. Testimony of Regional Board staff***
- 2. Cross-examination of Regional Board staff***
- 3. Testimony of Dischargers***
- 4. Cross-examination of Dischargers***
- 5. Comments by other interested persons***
- 6. Rebuttal Testimony and Closing Statement by Dischargers***
- 7. Rebuttal Testimony and Closing Statement by Regional Board
Prosecution staff***
- 8. Close hearing***
- 9. Deliberation and voting by Board***

voice vote